

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING

ALEX SHVEYKOVSKY and
ELENA FEDOROVA

Plaintiffs,

v.

Civil Action: 5:07-CV-5

WHEELING JESUIT UNIVERSITY, INC.,
ET AL.,

Defendants.

ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT

Plaintiffs' Motion to Compel is granted and Defendants shall respond to Interrogatories 5 and 7 and Requests for Production 13, 15 and 19 on or before November 6, 2007. Defendants shall also file the privilege log as discussed with Plaintiffs' counsel on or before November 6, 2007. This order requiring the filing of a privilege log does not preclude the Court from ruling that all privileges claimed have been waived.

Defendants' Motion for a Rule 35 Mental Exam is GRANTED because Plaintiffs placed their mental status at issue. Counsel for Plaintiffs and Defendants shall advise the Court's law clerk by Monday, October 29 whether Plaintiffs will be here the week of December 3, 2007 for such examination and whether Defendants' expert is available that week to conduct the examination. Defendants are not required to pay the costs of transportation of Plaintiffs to Wheeling for the examination. Plaintiffs may move to have such cost taxed as costs after the trial.

IT IS SO ORDERED.

DATED: October 26, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE